

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, ) Case No.: 2:12-CR-00164-APG-VCF  
Plaintiff, )  
vs. )  
MICHAEL SOBESKY, )  
Defendants. )  
)  
**ORDER RELEASING DEFENDANT  
WITH CONDITIONS**

Defendant Michael Sobesky was previously committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243(e). Subsequently, the medical treatment providers at the Bureau of Prisons determined that Mr. Sobesky will no longer be a substantial risk to himself, another, or to the property of another if he complies with certain conditions. Pursuant to 18 U.S.C. § 4243(f), Warden B.R. Jett filed a certificate to that effect with this court. (Dkt. #91.) On February 24, 2015, I conducted a hearing pursuant to 18 U.S.C. § 4247(d), which was attended by Mr. Sobesky, his counsel, and the Assistant United States Attorney. (Dkt. #96.) At that hearing, all parties agreed that Mr. Sobesky may be released on the conditions described in Warden Jett's certification. Mr. Sobesky acknowledged receipt of the conditions and confirmed that he both understands those conditions and will abide by them.

Based on the information in the record and the arguments and discussions presented at the February 24, 2015 hearing, I find by clear and convincing evidence that Mr. Sobesky has recovered to such an extent that his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment will no longer create a substantial risk of bodily injury to himself or another person or serious damage to the property of another. Therefore,

1 IT IS HEREBY ORDERED that defendant Michael Sobesky be conditionally discharged  
2 under the prescribed treatment regimen certified as appropriate by Warden Jett's certification  
3 (Dkt. #91). Specifically, following conditions and treatment regimen shall apply:

- 4 1. Mr. Sobesky shall be and remain under the supervision of the United States Probation  
5 Office for the District of Nevada, and shall comply with all of the standard conditions  
6 of supervision, any other conditions adopted by the U.S. Probation Office, and the  
7 specific conditions set forth herein. Mr. Sobesky's initial supervising U.S. Probation  
8 Officer is Ms. Joy Gabonia, Senior U.S. Probation Officer, Foley Federal Building,  
9 300 Las Vegas Blvd., South, Suite 1200, Las Vegas, NV 89101, (702) 527-7300. Mr.  
10 Sobesky shall report to the U.S. Probation Officer as directed.
- 11 2. Mr. Sobesky will reside with his father, Richard Sobesky, at 2132 Willowbury Drive  
12 #C, Las Vegas, Nevada. Mr. Sobesky will not make any change in his residence  
13 without the advance approval of the mental health providers and the final approval of  
14 the Supervising U.S. Probation Officer.
- 15 3. Mr. Sobesky will comply with all recommendations of treatment and will comply  
16 with all appointments with Harmony Healthcare or another mental health facility as  
17 approved by the U.S. Probation Officer. Mr. Sobesky shall not change mental health  
18 providers without advance approval of the U.S. Probation Officer.
- 19 4. Mr. Sobesky is restricted from travel outside of the District of Nevada except with the  
20 prior approval of the U.S. Probation Officer.
- 21 5. Mr. Sobesky shall comply with psychiatric treatment as directed by the treatment  
22 team and the U.S. Probation Office, to include oral and injectable psychotropic  
23 medications.
- 24 6. While Mr. Sobesky is outpatient counseling, he may be admitted to an inpatient  
25 facility or placed in a crisis stabilization facility should his treating clinicians or U.S.  
26 Probation Officer deem it necessary for his safety or the safety of the community.
7. Mr. Sobesky is to abstain from all use of alcohol and other drugs not prescribed by  
8 his treating physician. His treating physician shall notify the U.S. Probation Officer  
9 of any changes in the administration of antipsychotic drugs.
10. Mr. Sobesky is to submit to urine analysis and other drug testing for the detection of  
11 use of controlled substances and to undergo regular urine and serum blood level  
12 screening if ordered by the treating physician and U.S. Probation Officer to ensure  
13 abstinence from substances and the maintenance of a therapeutic level of medication.
14. Mr. Sobesky shall participate in outpatient/inpatient substance abuse counseling as  
15 directed by the U.S. Probation Officer, if deemed necessary.
16. Mr. Sobesky shall not possess any firearms, destructive device, or other dangerous  
17 weapons.
18. Mr. Sobesky shall submit his person, property, residence, place of business, and  
19 vehicle under his control to a search, conducted by the United States Probation  
20 Officer or any authorized person under the immediate and personal supervision of the

Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision; failure to submit to a search may be grounds for revocation. Mr. Sobesky shall inform any other residents that the premises may be subject to a search pursuant to this condition.

12. Mr. Sobesky shall not commit another federal, state, or local crime.
13. Mr. Sobesky is to report any contact with any law enforcement officer to the U.S. Probation Office within 24 hours of the contact.
14. Mr. Sobesky will be supervised by the U.S. Probation Office for a specified period imposed by the Court to ensure his compliance. Mr. Sobesky will comply with the standard conditions of the U.S. Probation Office, District of Nevada, including waiving his right to confidentiality regarding his mental health treatment in order to allow sharing of information with the Supervising Probation Officer who will assist in evaluating the ongoing appropriateness of community placement.
15. The medical provider may at any time recommend modification or elimination of the regimen of medical, psychiatric, or psychological care or treatment, upon certification to this Court that to do so would not create a substantial risk of bodily injury to another person or serious damage to the property of another. Any party requesting modification or termination of the Conditions of Release shall submit adequate documentation supporting the request through the Supervisory U.S. Probation Officer, to the Civil Division of the U.S. Attorney's Office for the District of Nevada for a determination as to whether a motion for release should be filed.
16. Mr. Sobesky's failure to adhere to any of these conditions will result in him being located, taken into custody, and subsequently reviewed by the federal court of jurisdiction for suitability for continued release to the community.

17 IT IS FURTHER ORDERED, as an explicit condition of release, that Mr. Sobesky shall comply with this prescribed regimen of medical, psychiatric, or psychological care or treatment.

18 Dated this 12<sup>th</sup> day of March, 2015.



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20 ANDREW P. GORDON  
21 UNITED STATES DISTRICT JUDGE  
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